



**CITY OF SUNNYVALE
REPORT
Planning Commission**

May 24, 2004

SUBJECT: **2004-0282** - Application for a 5,963 square-foot site located at **687 Conway Road** in a R-2 (Low Medium Density Residential) Zoning District (APN: 202-06-022);

Motion **Variance** from SMC (Sunnyvale Municipal Code) section 19.34.030 to allow a 10-foot total side-yard setback where 12 feet is required for the first story and 16 feet total side-yard setback where 18 feet is required for the second story.

Design Review to allow a new 3,031 square foot home resulting in 51% FAR (Floor Area Ratio) where 45% FAR is allowed without Planning Commission review.

REPORT IN BRIEF

Existing Site Conditions Vacant Lot

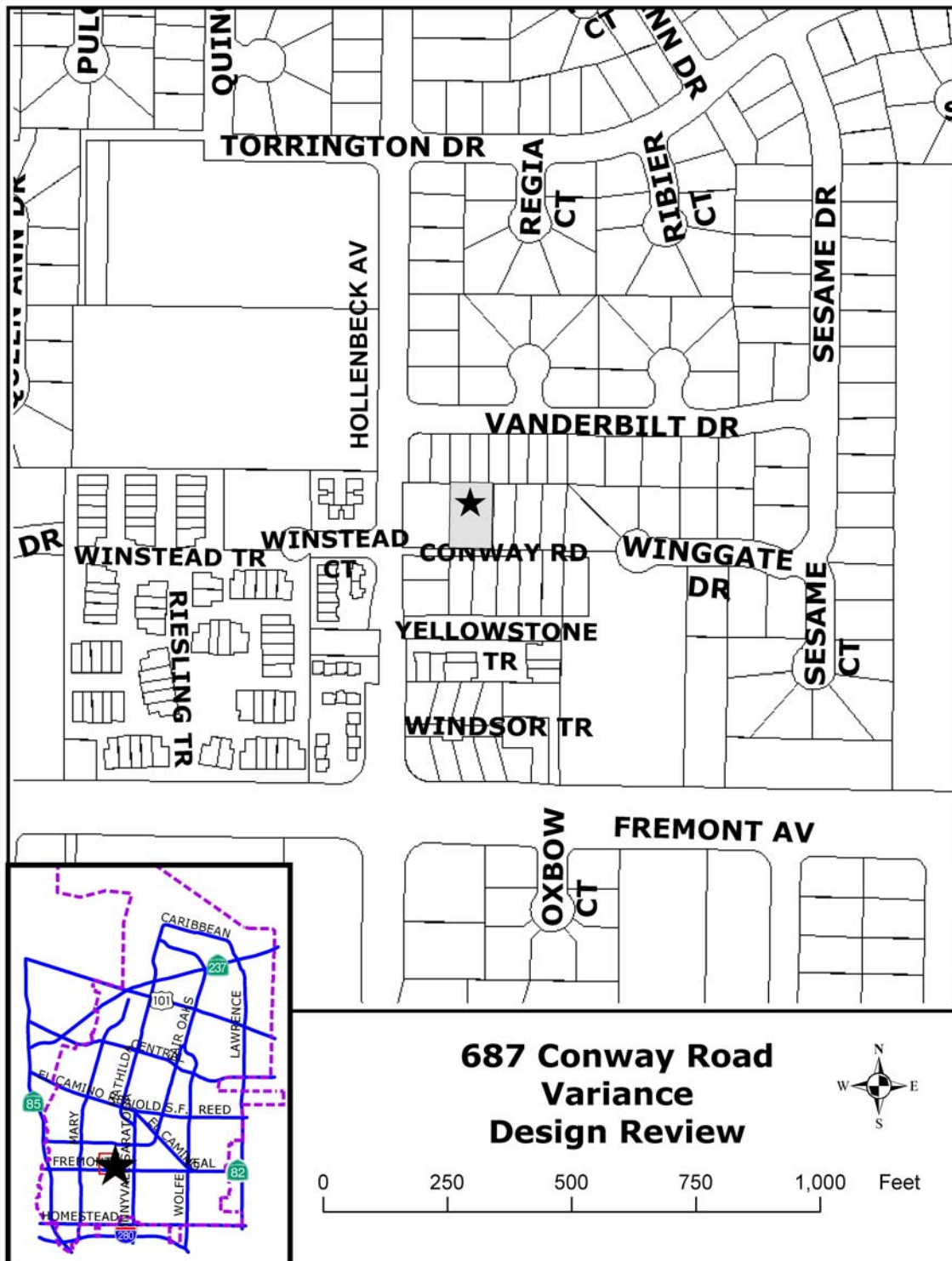
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Neighborhood Compatibility and Variance from SMC.


Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve Design Review Application
Deny Variance Application



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low-Medium Density	Same	RLM
Zoning District	R-2	Same	---
Lot Size (s.f.)	5,962 sf	Same	8,000 sf min.
Gross Floor Area (s.f.)	0 sf (vacant lot)	3,061 sf	2,683 sf max. without public hearing
Lot Coverage (%)	N/A	33%	40% max.
Floor Area Ratio (FAR)	N/A	51.3%	45% max. without public hearing
Building Height (ft.)	N/A	26' 4"	30' max.
No. of Stories	N/A	2	2 max.
Setbacks (facing property) 1st Floor/2nd Floor			
• Front	N/A	24'10" / 29'10"	20' / 25' min.
• Left Side	N/A	4' / 7'	4' / 7' min
• Right Side	N/A	6' / 9'	8' / 11' min
• Total Side-yard	N/A	10' / 16'	12' / 18'
• Rear	N/A	31' 7"	20' min.
Parking			
• Total No. of Spaces	N/A	4	4 min.
• No. of Covered Spaces	N/A	2	2 min.

 = non-conforming to current SMC

ANALYSIS**Background**

Previous Actions on the Site: The previous 900 square foot home was constructed in 1950 and was demolished due to structural deterioration. In 2000, as assessment district was approved by the City Council for Conway Road. As part of this action, an 11-foot easement across the front of this parcel

was required for the expansion of the street. This easement is for utility purposes only and the individual property owners still own title to the land. Conway Road is a private street maintained by the property owners. No redevelopment or expansion of homes has occurred in this area for approximately 20 years. The new private road has enabled the restriction for home expansion to be lifted.

Description of Proposed Project

The applicant is proposing construction of a new 3,062 square foot residence. The proposed residence is two stories, with the first story totaling 1,982 square feet and the second 1,079 square feet. The Planning Commission is reviewing this Design Review application since the Floor Area Ratio is 51% where the Planning Commission must review all FARs over 45%.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act, as amended, and in accordance with City Guidelines. Class 3 Categorical Exemptions include construction of one single-family residence.

Design Review

Use: The site is currently vacant.

Site Layout: The site has typical dimensions for lots in this neighborhood at 45 feet wide by 121 feet deep. The tract to the back of this development on Vanderbilt Avenue also has similar lot dimensions and square footages. The lots on the west side of Hollenbeck Avenue and on Winggate Avenue are typically larger parcels at around 7,000 to 8,000 square feet (these properties are Zoned R-0).

The 11-foot easement across the front of the applicant's property is considered part of the private right-of-way and owned by the applicant. All building setbacks are measured from the back of the right-of-way, although the total property square footage includes this area.

Architecture:**Subject Design**

The proposed architecture is Spanish eclectic style with a stucco exterior and curved Spanish roof tile (see elevations in Attachment 3). The design makes effective use of articulated walls and rooflines. The applicant proposes gabled roofs on the front elevation to help blend with the neighborhood and hipped

roofs in the side and rear to help minimize the visual impact of the new second story. The total height of the home is proposed to be 26 feet high where 30 feet is the maximum allowed. The proposed design offers several unique features including a courtyard by the front entrance and a turret element on the second story.

The residence is sited in the center of the lot with side yard dimensions of 4 and 6 feet on the first story. The second story is set back 3 feet from the first story on both side elevations, which adds interest to each elevation and reduces the appearance of bulk.

Neighborhood

There is no one prevailing architectural design in the neighborhood, although many of the homes have similar features such as front porches with front-gabled roofs. Roof materials and exterior colors vary, with exterior materials being either stucco or wood siding. Most of the homes in the neighborhood, including those adjacent to the subject site are single story homes. Three new two-story home (Tudor-style with stucco exterior) were approved in 2001 and are now under construction nearby on Hollenbeck Avenue. These homes have FARs of 56%, 57%, and 51% and total square footages of 1,996sf, 1,994sf, and 2,473sf. Another new residence at 694 Conway Road was recently approved across Conway from the subject site with an FAR of 56% and a total square footage of 3,058. This home is a two-story residence with a similar Spanish eclectic style.

While the proposed home is larger than a majority of the surrounding homes in terms of mass and scale, staff believes the proposed design will ultimately blend with the streetscape. As the neighborhood continues to experience redevelopment of its older homes, similar sized homes will become the dominate scale of architecture on the street. In addition, the proposed design of the new home is aesthetically appealing and would add to the visual appearance of the neighborhood.

The following table shows the square footages, number of stories, and FAR for the homes on Conway and part of Hollenbeck:

Property Address	Square Footage of Structure	Number of Stories	FAR
1204 #1 Hollenbeck	1,956 s.f.	2	56%
1204 #2 Hollenbeck	1,954s.f.	2	57%
1204 #3 Hollenbeck	2,473 s.f.	2	51%
691 Conway	2,117 s.f.	1	19%
687 Conway *	3,061 s.f.	2	51%

Property Address	Square Footage of Structure	Number of Stories	FAR
683 Conway	852 s.f.	1	13%
679 Conway	520 s.f.	1	8%
676 Conway	1,006 s.f.	1	15%
680 Conway	968 s.f.	1	15%
684 Conway	928 s.f.	1	16%
688 Conway	594 s.f.	1	11%
692 Conway.	1,260 s.f.	2	21%
694 Conway	3,058 s.f.	2	56%
1230 Hollenbeck	4,494 s.f.	1	30%

* **proposed home**

The following Guidelines from the Single Family Design Techniques were considered in the analysis of the project architecture.

Design Techniques	Comments
<i>3.1 Neighborhood Patterns – Respect neighborhood home orientation and set back patterns</i>	The new home may impose on the adjoining neighbor's privacy since there is no existing residence on the subject lot. A new two-story home will create new views into the yards of the surrounding homes. The applicant has designed the windows to minimize the privacy impact to the surrounding neighbors.
<i>3.3 Entries - Design entries to be in scale and character with the neighborhood</i>	The proposed front entryway is consistent with other existing entryways in the surrounding neighborhood.

Variance

The applicant has requested a variance from SMC section 19.34.030 to allow a 10-foot total side-yard setback where 12 feet is required for the first story and 16 feet total side-yard setback where 18 feet is required for the second story. The applicant's justification for the variance request is based on the recent Special Development Permit approval for three single-family homes at 1204 Hollenbeck Avenue (currently under construction). This three-lot subdivision was approved in 2001 by the City Council and contains deviations from the required side and front yard setbacks. Two of the homes have deviations in the required second story setback and total side yard setback. One residence was

approved with a 15 foot total second story setback where 18 feet total is required and the other was approved with a 12 foot total second story setback where 18 feet total is required. The deviation in front yard setback was to allow an 18-foot average front yard setback where 20 feet is required. These deviations were approved at that time primarily due to the narrow lot widths (39', 39', and 54'). Both of the properties with setback deviations were the parcels with a 39-foot parcel wide. The larger parcel with a 54-foot setback was not approved with a side yard deviation.

The property owner states that their parcel is quite narrow, similar to the 1204 Hollenbeck properties, and this narrow width has inhibited their ability to design a fully functional residence. The applicant had submitted a previous application for Design Review showing a 2,500 square foot residence that did not require a variance from the setback requirements, but the layout of the floor plan did not serve their needs. The property owner also states that their lot width of 45 feet is much less than the required lot width for properties in the R-2 Zone, which are required to be 76 feet minimum.

Although the 1204 Hollenbeck property was granted approval for variances in the required setbacks, staff could not make the required findings to support approval of the variance for the subject application. Staff does not believe there are exceptional or extraordinary circumstances of conditions applicable to the property which would deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district. Examples of such conditions of the property include: size, shape, topography, location, or surroundings. Staff does not believe this property owner is confronted with a hardship unique to their property since this property is similarly sized to others in the surrounding neighborhoods. All but one lot on Conway have lot widths of 45 or 50 feet. In addition, another new residence at 694 Conway Road was recently approved (February 2004) on the south side of Conway with an FAR of 56% and a total square footage of 3,058. This approval did not require a setback variance and the lot size is also 45 feet in width.

The following table shows the lot frontage widths of homes in the surrounding neighborhood:

Property Address	Lot Frontage (ft)
1204 #1 Hollenbeck	39
1204 #2 Hollenbeck	39
1204 #3 Hollenbeck	54
691 Conway	86
687 Conway *	45
683 Conway	50

Property Address	Lot Frontage (ft)
679 Conway	50
676 Conway	50
680 Conway	45
684 Conway	45
688 Conway	45
692 Conway.	50
694 Conway	45
1230 Hollenbeck	50
Average Width	49.5

* subject property

Staff is recommending approval of design review application with a condition to redesign the project to meet the SMC requirements for new homes.

Tree Removal: There are no trees proposed to be removed as part of this application.

Parking/Circulation: The proposed project meets parking requirements with two covered spaces and two uncovered spaces in the driveway area.

Compliance with Development Standards

With the exception of the requested variance, the proposal meets all development standards for homes in the R-2 Zoning District. Sunnyvale Municipal Code 19.80.040 requires applications for Design Review that exceed the FAR threshold in R-0, R-1, and R-2 to be considered by the Planning Commission. There are no maximum floor areas in these zones; therefore, such proposals are not deviating from Code requirements.

Expected Impact on the Surroundings

Staff believes the project will not have a detrimental impact to the surrounding neighborhood (see Findings, Attachment 1). There may be new privacy impacts to the surrounding neighbors created by the proposed project, but these impacts are not considered significant or unique to this site. There are other buildings in the surrounding neighborhood which are currently two story homes or multifamily buildings, although a majority of the surrounding neighborhood is comprised of single story structures.

The applicant has submitted a solar study that shows shading of the neighboring residence by less than 1%. Sunnyvale Municipal Code Section

19.56.020 allows for shading of neighboring residences up to 10% of the structure.

Findings, General Plan Goals and Conditions of Approval

Design Review

Staff was able to make the required Findings for the Design Review.

- Recommended Findings are located in Attachment 1.
- Recommended Conditions of Approval are located in Attachment 2.

Variance

Staff is not able to make the findings to recommend approval of the variance.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to three adjacent properties along the street and two properties in each direction across the street.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Design Review with the conditions of approval and deny the Variance.
2. Approve the Design Review with modified conditions and if the Findings can be made approve the Variance.
3. Deny the Design Review and the Variance.

Recommendation

Recommend Alternative 1.

Prepared by:

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Project Planner

Reviewed by:

Fred Bell
Principal Planner

Approved by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site, Architecture and Floor Plans

Recommended Findings – Design Review

The proposed project is desirable in that the project's design and architecture conforms to the policies and principals of the Single Family Home Design Techniques.

Single Family Home Design Techniques – Basic Design Principles

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The orientation is consistent with surrounding homes' orientation to the street.
<i>2.2.2 Respect the scale, bulk, and character of homes in the adjacent neighborhood</i>	Although the new two-story home is larger than a majority of the surrounding homes, staff finds the neighborhood is in transition and that the proposed design will ultimately blend with the streetscape.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The placement of windows and, as conditioned, meeting required building setbacks will help to respond to potential neighbor concerns. No comments have been received about the project.
<i>2.2.4 Minimize the visual impacts of parking</i>	Proposed parking meets Code requirements. The project incorporates a typical two-car garage. Street parking is not allowed along Conway Road.
<i>2.2.5 Respect the predominant materials and character of front yard landscaping</i>	Front yard landscaping will be supplied at the discretion of the home owner.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The project will incorporate high quality materials including stucco and tile roof..
<i>2.2.7 Preserve mature landscaping</i>	No significant landscaping exists on site.

The proposed new home will be of a scale and mass generally consistent with the transitioning neighborhood within which it is located. Entry orientation, materials and craftsmanship will be compatible with the neighborhood.

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

Staff does not believe the configuration property or the layout of the home is an exceptional circumstance that deprives the property owner of rights or privileges enjoyed by surrounding property owners. There are several viable alternatives for the home's design that could meet the required building setbacks.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district.

Staff does not believe that the granting of the variance would be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district

3. Upon granting of the variance, the intent and purpose of the ordinance will still be served and the recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Since most of the properties on Conway Road are either 45 or 50 feet wide, staff believes that approval of the variance would constitute granting of a special privilege to this property owner not enjoyed by other surrounding property owners.

Recommended Conditions of Approval - Design Review

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances and Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. The one-year expiration date of the Design Review shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. The Conditions of Approval shall be reproduced on one page of the plans submitted for a building permit for this project.
3. This project must be in substantial conformance with the approved plans. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved at the staff level by the Director of Community Development.
4. Obtain building permits.
5. All service drops shall be undergrounded.
6. The home shall be redesigned to meet the SMC setback requirements for new homes, prior to issuance of building permits and subject to the approval of the Director of Community Development.
7. This project is subject to Traffic Impact Fees that will be assessed at the time of building permit issuance.

Staff is not recommending Approval of the Variance, however, if the Findings can be made, staff recommends the following Conditions of Approval.

Recommended Conditions of Approval - Variance

1. This approval is to allow a 10 foot total side-yard setback where 12 feet is required for the first story and 16 feet total side-yard setback where 18 feet is required for the second story.
2. The two-year expiration date of the Variance shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.

3. The Variance shall be valid only in conjunction with detailed plans as submitted or as may be modified by the reviewing authority of the City during a public hearing. Minor changes of the approved plans may be approved administratively by the Director of Community Development.